

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KENNETH L. HOLLAND,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 05-464-SLR
)	
STAN TAYLOR, et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, plaintiff, Kenneth L. Holland, was a prisoner incarcerated at the Delaware Correctional Center, Smyrna, Delaware at the time he filed his complaint under 42 U.S.C. § 1983, along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, on August 9, 2005, this court entered an order granting leave to proceed in forma pauperis, assessing an initial partial filing fee of \$1.96 and requiring plaintiff to complete and return an authorization form (D.I. 7);

WHEREAS, plaintiff filed the authorization form as required by the Court (D.I. 8);

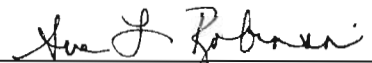
WHEREAS, to date plaintiff has not paid the initial filing fee of \$1.96;

WHEREAS, on October 20, 2005, the Court received plaintiff's change of address indicating that he is no longer incarcerated (D.I. 11);

WHEREAS, under the PLRA, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed.Appx. 429 (3d. Cir. 2003).

THEREFORE, at Wilmington this 14th day of December, 2005, IT IS HEREBY ORDERED that within thirty days from the date of this order, plaintiff shall either pay the filing fee (\$250) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so the court may determine whether he is still eligible to proceed in forma pauperis.

NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.



United States District Judge